

REMARKS/ARGUMENTS

Claims 1-4, 6, 8-14, 16, and 18-20 were rejected under 35 U.S.C. § 103 as being unpatentable over *Plantes* in view of the Vortex manual and further in view of Allen. Applicant respectfully traverses this rejection.

Specifically, Applicant disagrees that it would have been obvious to one of ordinary skill in the art to have selectively connected the tabs of *Plantes* depending upon the type of water streams being treated as taught by the Vortex operating manual. Applicant hereby incorporates by reference the arguments set forth in the prior Amendment and Response which was responsive to the Office Action having a mailing date of January 22, 2004. As set forth in that Response, *Plantes* requires alternating current as a source of power. The alternating current has a collapsing field/continual change in polarity thereby neutralizing the magnetic or electrostatic forces that hold particles in colloidal suspension. Secondly, in order to create the high volume flow rates required in *Plantes*, the closely spaced electroplates therein require alternating current because providing DC power to the electrodes would require truly an astounding amount of amperage to maintain the electrodes at the desired voltage. Although this DC amperage is not stated in *Plantes*, those skilled in the art will appreciate that DC power is simply infusable with the invention disclosed in *Plantes*. Therefore, there is simply no motivation to combine the teachings of the Vortex operating manual with *Plantes*, and any combination of the teachings of the Vortex operating manual with respect to selectively connecting power to the tabs of *Plantes* clearly ignores the teachings of *Plantes*, and substitutes hindsight for the teachings of *Plantes*.

With respect to the Allen reference, the Examiner reasons that it would be obvious to modify Plantés in view of the Vortex manual to include tab extensions extending through the lower portion of the housing as taught by Allen in order to increase versatility and tab connection thereby putting the electrical connections out of harms way from operators of the apparatus. Further, in the Examiner's response to Applicant's prior arguments, the Examiner stated that the references show that tab extensions extending through any portion of the housings to the exterior of the housing perform the same function, which is putting the electrical connections out of harms way, and further that it would have been obvious to extend the electrical connection tabs through the lower portion of the housing with expected success since the references teach extending electrical connections through any portion of the housing as being functionally equivalent.

Despite the deficiencies of the references noted above and the prior deficiencies outlined in the prior Office Actions, those arguments also being incorporated herein by reference, Applicant has amended independent Claims 1 and 11 to further distinguish over the cited references. Specifically, Claims 1 and 11 have been amended to further recite that the reaction plates are removed for placement due to being consumed, the tabs are formed integral with the selected reaction plates, and that the reaction plate tabs are removed with the reaction plates.

Allen discloses an electrostatic fluid filter and system, not an electrocoagulation device. In the electrostatic fluid filter and system disclosed in Allen, as with any similar electrostatic filter device, the reaction plates are not consumed over time due to electrocoagulation; rather, there is no chemical reaction taking place which consumes the reaction plates. The elements that

are removed in Allen are the array of filter elements which are placed between the charge plates 19. As shown in Figures 2-4 of this reference, two rows of electrical contacts 16 and 17 are formed on the bottom side 13 of the housing 11. The charge plates 19 are positioned on the contacts 16 and 17. Positive terminal 21 on strip 23 provides the positive charge to contact 16, and negative terminal 22 on strip 24 provides the negative charge to contact 17. A holder/spacer 30 is used to hold the charge plates 19 and filter elements 18 to form the filter cartridge 28. The holder/spacer 30 has a conductive strip 34 which electrically connects to the respective charge plates 19. Each of the conductive strips 34 also contacts one of the contacts 16 or 17 and the bottom of the housing 11. As stated in column 2, lines 58-61, since the cartridge 29 is simply placed within the housing 11 and enclosed with cover 20, it is only necessary to remove cover 20 to remove filter cartridge 29 in order to clean or replace filter elements 18. Because of the type of device disclosed in Allen (electrostatic), as well as the specific construction of the device shown, it is clear that there is no structure shown in the reference which corresponds to the claimed plurality of reaction plate tabs formed integral with selected corresponding ones of the plurality of reaction plates. Rather, Allen discloses the specific arrangement of the separated contacts 16 and 17 that are not integral with the charge plates 19. Furthermore, Allen specifically teaches away from anything being removed from the housing other than the cartridge 29, the contacts 16 and 17 remaining permanently in place because Allen discloses an electrostatic filtering device wherein the contacts and charge plates are not consumed. Therefore, this rejection under Section 103 should be withdrawn.

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Claims 7 and 17 were rejected under 35 U.S.C. § 103 as being unpatentable over Plantes in view of the Vortex manual and Allen, and further in view of Moeglich. Moeglich fails to cure the deficiencies in Allen as well as the other deficiencies set forth with respect to the other references. Therefore, this rejection under Section 103 should also be withdrawn.

Applicant has made a sincere effort to place the application in a condition for allowance; therefore, such favorable action is earnestly solicited. In the event that a telephone conversation would further prosecution and/or expedite allowance, the Examiner is invited to contact the undersigned.

Respectfully submitted,

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